

Executive Summary

This Executive Summary of the public review draft of the new Cincinnati Zoning Code is intended to highlight key differences between the existing Code and the new Code and the justifications for these changes. These changes are meant to reflect policy direction from the City Council, the City Planning Commission and Technical Advisory Committee, and the key issues identified by the consultant team with the assistance of City staff and Code users. Community comments made at workshops also have guided work on the new Code.

Key Themes

Before detailing the differences between the existing Code and the draft, it is worth noting the overall themes that guided the preparation of the draft, including:

- ***Performance-oriented Approach.*** The existing Code relies heavily on guidelines that require the submission of plans for discretionary review. This approach, while providing substantial flexibility, creates little distinction between what new development “should” include and what it “must” include. The draft Code is more performance-oriented. By codifying certain existing guidelines, where appropriate, and by developing new standards, the draft Code ensures that new development “performs” as it should, streamlines approvals by reducing discretionary review, and provides certainty for both the applicant and neighbors as to what is expected.
- ***Simplified District Framework.*** Both codes include 7 base land use types with the present 25 districts reduced to 22 base districts, some of which include subdistricts. The performance-oriented nature of the draft Code means that the Transition Subdistrict which the City now uses to mitigate impacts on residential areas does not have to be carried forward into the new Code.
- ***Updated Use Regulations.*** The use regulations in the draft Code strengthen and thoroughly update the regulations in the existing Code and reflect recent land use terminology and trends. All uses are defined in a classification framework based on the North American Industrial Classification System (NAICS) that will also allow the integration of new uses in the future. The result is regulations that are clear, concise, and simpler to administer and enforce on a day-to-day basis.

- **Streamlined Administration.** The draft Code streamlines zoning administration by clarifying decision-making authority, and by establishing common procedures and standards. The draft Code establishes a Zoning Hearing Examiner to hold public hearings on common applications and provides zoning relief in the form of exceptions, variances, and conditional uses. Finally, the draft Code provides clear criteria for the evaluation of proposals to extend or expand nonconforming uses and substitute one nonconforming use for another with the idea of minimizing impacts on adjacent uses and adjoining neighborhoods.

Significant Improvements and Changes to the Zoning Code

The following represents areas of significant improvement over the existing code:

Buffer Yards. A new chapter has been added that creates standards for buffer yards and screening to minimize conflicts between land uses in abutting zone districts.

Commercial Districts. The commercial districts have been developed to more adequately describe the scale and orientation of commercial activity in the district. This will allow for a greater mix of uses to assist revitalization efforts for some underutilized neighborhood business districts. In addition, three community character designators have been created to enable commercial development to be more compatible with the surrounding neighborhood.

Nonconforming Uses. The new code drastically reduces the number of potential nonconforming uses and limits the range of nonconforming use substitutions in comparison to what is allowed in the existing code.

Parking Lot Landscaping. The new code includes mandatory requirements for the screening and landscaping of surface parking lots.

Single-Family Districts. The minimum lot requirement for single-family homes in the existing code is 5,000 square feet. This standard, developed in 1963 is for a more suburban type lot and is not in keeping with existing development patterns in many of our built out neighborhoods.

In order to insure existing use and character of our neighborhoods are maintained, single family districts requiring 2,000 and 4,000 square foot lots have been developed.

Residential Mix. A new district entitled RMX has been established to create, maintain and enhance areas of the city that contain a mix of housing types and lot sizes at moderate intensities (1 to 3 dwellings). Existing multi-family buildings are acknowledged so they are not classified as nonconforming, but new construction is prohibited.

Variances/Special Exceptions. In addition to the variance procedures which are intended to provide relief from the dimensional standards of a particular application of the code. A new measure of relief "Special Exceptions" has been added. Special exceptions are modifications to the performance standards of this code. Consideration will be given to such factors as location, design, configuration and relation to adjacent uses when granting these exceptions.

Cluster Housing. The Cluster Housing Section was established as a way for developments of single-family and attached single-family to make better use of a site by allowing property to be developed in a more flexible manner without detriment to neighboring properties by including perimeter buffer yard requirements while adhering to district density.

Planned Development District. The Planned Development (PD) District Chapter takes the best of the Transitional "T" District, Special Housing Overlay (SHO), Planned Unit Development (PUD) and combines them into a new process of development. PD's will be available for residential, commercial and industrial developments as well as mixed-use projects. The intent is to encourage creativity in developments by allowing greater flexibility in access, open space, amenities, mix of uses and densities.

Hillside and Urban Design Districts. Many of the existing "guidelines" that belong to the Environmental Quality-Hillside (EQ-HS) and Environmental Quality-Urban Design (EQ-UD) have been incorporated as "performance standards" in the base district requirements. This will make it easier for both neighborhoods and developers alike while drastically reducing the number of hearings that are presently required. Neighborhoods will know with certainty that permits will only be issued if the standards are met. Since the standards are now part of the Code (not a guideline in a handout), that should eliminate any guesswork involved. Developers, on the other hand, can avoid a hearing if they meet the enumerated standards.

Zoning Hearing Examiner. In order to improve certainty and consistency, while drastically reducing the number of discretionary reviews, the Zoning Hearing Examiner will conduct hearings and make decisions for conditional uses; variances; special exceptions; substitution of nonconforming uses and hillside and urban design overlay exceptions. Previously, these decisions were made by at least four different individuals.

The following sections outline in more detail the draft Zoning Code.

Zoning District Regulations

Several changes have been made to the zoning districts in Cincinnati. Under the existing Code, there are 7 types of use districts; with 25 base districts and 5 types of overlay districts. Many of these districts have been combined and altered for greater simplicity and ease of administration. While the development standards of the existing zoning districts are largely carried forward, the draft Code also includes new development standards in certain districts.

Residential Districts

Residential districts have been broken down into two main categories: Single Family Districts and Multi-family Districts. Density designators further break down these categories. These changes serve to ensure that while consolidating residential districts, the existing use and character of the City's neighborhoods is maintained and enhanced. The R-V and R-B districts have been eliminated as these districts were rarely used, and the conditions under which these districts were applied are served better by the new residential district framework. The ultra high density R-6 and R-7 Districts were merged into a single medium-high density.

The residential development standards from the existing Code are largely brought forward unchanged, although new standards for the new SF-2 and SF-4 Districts ensure that smaller lot single family developments are addressed.



A new single-family zoning district (SF-2) is intended to recognize high-density small lot, single family development.

SF-20 Single Family Residential. Minimum lot size is 20,000 square feet.

SF-10 Single Family Residential. Minimum lot size is 10,000 square feet.

SF-6 Single Family Residential. Minimum lot size is 6,000 square feet.

SF-4 Single Family Residential. Minimum lot size is 4,000 square feet.

SF-2 Single Family Residential. Minimum lot size is 2,000 square feet.

In addition, the SF Districts recognize the presence of two-family or multi-family dwelling units and permit these existing uses to continue without expansion rights as a conforming use.

RMX Residential Mixed. Minimum land area per dwelling unit is 2,000 square feet.

RM-2.0 Residential Multi-Family. Minimum land area per dwelling unit is 2,000 square feet.

RM-1.2 Residential Multi-Family. Minimum land area per dwelling unit is 1,200 square feet.

RM-0.7 Residential Multi-Family. Minimum land area per dwelling unit is 700 square feet.

Office Districts

The three existing Office Districts have been consolidated in two categories, OL and OG. The purposes of these districts are as follows:

OL Office Limited. To provide smaller individual sites for offices, research and development facilities and limited commercial uses with low intensity character. Mixed-use developments with residential uses are allowed.

OG Office General. To provide larger and more intensely developed sites for offices and research and development facilities and supporting non-office uses. Mixed-use developments with residential uses are allowed.

Additional standards include driveway restrictions, parking location, truck docks and loading and service areas, and buffering along district boundaries.

Business Districts

Business districts have been renamed Commercial Neighborhood, Commercial Community, and Commercial General districts. These designations more adequately describe the scale and service area of commercial activity in the City.

CN Commercial Neighborhood. To identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect a smaller-scale, mix of commercial and residential uses.

CC Commercial Community. To identify, create, maintain and enhance areas suitable for a wide variety of commercial and institutional uses along the City's major transportation corridors, and in shopping districts or centers.



Neighborhood scale commercial districts will have standards that reflect a small-scale, pedestrian orientation.

CG Commercial General. To maintain, support, and create areas of the City that serve as region-drawing centers of activity. These areas should reflect the regional importance of the area.

Three district designators are established to enhance community character in each type of commercial district. The designations in parentheses show which commercial districts are combined with each community character designation.

Pedestrian (CN-P, CC-P). This overlay designation is intended for retail commercial areas with a traditional urban character, where buildings are required to be built to the street or sidewalk line, to provide a close relationship between pedestrians and shops. Design standards will reinforce this character and require architectural details that provide an interesting pedestrian environment. This designation may apply to some areas where the City and neighborhood are committed to restoring the pedestrian character even though a few auto-oriented uses have been introduced.

Mixed (CN-M, CC-M). This overlay designation is intended to provide for a mix of pedestrian and auto-oriented development. Older, pedestrian-oriented buildings may be intermixed with newer, auto-oriented uses. New pedestrian-oriented development is encouraged but not required.



A mixed designation (-M) for the commercial districts will encourage but not require pedestrian-oriented development.

Auto-oriented (CC-A, CG-A).

This overlay designation is intended for areas that provide for easy automobile access. Large-scale buildings are located on the site with parking in front. In addition to shopping centers this district may include smaller lots along commercial streets which contain auto-oriented businesses. Performance standards are intended to mitigate the impact of the parking lots and protect adjacent residential areas.

While the commercial development standards in the draft Code carry forward the principal standards from the existing Code—such as lot area, height, setbacks, etc.—they also include entirely new concepts and standards. As noted above, three community character overlays have been established to tailor commercial development to the character of the surrounding neighborhood. For instance, new standards for building placement in pedestrian and mixed areas ensure that new buildings are built to the street frontage. Minimum transparency standards for ground floor windows and doors for pedestrian and mixed commercial areas are also new. As with the office districts, the various additional standards that are scattered throughout the existing Code have been incorporated into the commercial districts chapter.

Downtown Development

The Downtown Development District incorporates the existing regulations with some minor technical amendments. The key change is that several floor area bonuses that have not been used since the Downtown Development District was adopted in the 1980s have been eliminated. The DD District regulations in the draft Code proposes that additional floor area only be granted for historic preservation and for residential development. Additional standards relating to driveway restrictions, parking location, truck docks and loading and service areas, and buffering along district boundaries have been incorporated into the Downtown Development chapter. When the Downtown Plan is updated, additional amendments to the Downtown Development District regulations may be needed.

Manufacturing Districts

The existing hierarchy of three manufacturing districts is based primarily on the nature of finished product rather than the means of production. As a result, these districts do not adequately reflect the impacts of production activities on neighboring base districts. The purposes of the new districts are as follows:

ML Manufacturing Limited. To create, preserve, and enhance areas of the City that are appropriate for a range of low-impact manufacturing activities and supporting commercial uses. High-impact manufacturing uses may be permitted provided they meet specific performance standards and are buffered from residential areas. Loft dwelling units and limited in-fill housing may be permitted.

MG Manufacturing General. To create, preserve and enhance areas of the City that are appropriate for a wide variety of supporting and related commercial and manufacturing establishments that may have the potential to generate off-site impacts. Future development will accommodate heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. These uses typically require sites with good transportation access.

ME Manufacturing Exclusive. To recognize and preserve areas of the City that are intended exclusively for the location of manufacturing establishments. Future development will accommodate heavy industrial and manufacturing uses. These uses typically require sites with good transportation access. Uses that may inhibit industrial development are prohibited.

The manufacturing development standards are essentially unchanged from the existing Code and as with the other non-residential districts, various additional standards have been incorporated into the manufacturing districts chapter.

Riverfront

Three base districts currently regulate the Cincinnati riverfront. These districts have not been changed significantly in the new Code. They have, however, been re-formatted to conform to the new Code organization. The purposes of these three districts are as follows:

RF-R Riverfront Residential/Recreational District. To optimize the scenic beauty of the riverfront while mixing residential uses into current public and semi-public land uses, and to enhance the stability and revitalization of adjoining neighborhoods.

RF-C Riverfront Commercial District. To provide sites for commercial/manufacturing uses that require river access, protecting adjoining residential neighborhoods, public parks, and recreation facilities from the effects of more intense riverfront industrial uses.



The Riverfront zoning districts are reformatted and streamlined to reflect the new Code organization.

RF-M Riverfront Manufacturing District. To provide sites for heavy industrial uses that require river access, maintain the economic vitality of the industrial riverfront, and minimize any adverse impacts resulting from such activity on adjacent residential, park and recreation, and commercial recreation facilities.

As these districts are essentially unchanged in the draft Code, so too are the development standards. The riverfront chapter does, however, benefit from the same improvements as the other district chapters in that the additional standards relating to driveway restrictions, parking location, truck docks and loading and service areas, and buffering along district boundaries, have been incorporated for ease of use.

Institutional-Residential

Use regulations for the IR Institutional-Residential District have been added to the current requirements; these generally reflect existing uses within the IR Districts in the City. The development standards also reflect existing requirements, although the regulations benefit from the incorporation of various additional standards that are scattered throughout the existing Code.



A new requirement for Institutional Buffer yard Plans will provide for a transition from the scale of institutions to the scale of surrounding residential development.

Planned Development

A new procedure for reviewing and approving projects as “planned developments” is proposed. It will be available for residential, commercial and industrial development as well as mixed-use projects. Re-zoning to a “PD” Planned Development District will be approved by the City Council on the basis of a concept plan and a development program statement. The City Planning Commission will give approval of the Final Development Plan. This plan will need to be consistent with the concept plan and the development program statement, but more detailed design is required. If the planned development is not initiated within two years of approval, the zoning reverts to the pre-existing zoning district.

The City Planning Director may authorize minor adjustments in the Final Development Plan, but major adjustments may only be approved by the City Planning Commission.

Overlay Zoning Districts

Provisions for the Interim Development Control and the Historic overlay districts have been incorporated into this Code with only minor editorial changes for consistency with the new format. The CR Community Revitalization, PI Public Investment, NHR Neighborhood Housing Retention, and the SHO Special Housing Overlay districts have been eliminated.

This Code proposes a simplification of the EQ Environmental Quality districts, with one new district for the hillsides and one new district for the Urban Design districts. The new hillside development regulations eliminate the need for public hearings for projects that do not have major visual impacts or pose geotechnical or engineering issues based on their compliance with performance standards and review criteria. Urban Design Districts are used to carry forward standards – requirements that can be readily quantified, mapped or measured – that are included in the adopted Urban Design Plans.

Development Standards

As noted in discussion above regarding zoning district regulations, the majority of the principal development standards from the existing Code are carried forward in the draft Code. New development standards are also included in the draft Code. The following table summarizes the new development standards in the draft Code and the districts in which they apply. Some standards that are new in some districts are already applied in others in the existing Code. These standards are labeled with an “E.”



Limitations on blank walls and requirements for views into buildings along retail streets will enhance the pedestrian environment.

New Development Standards in the Draft Zoning Code

Standards	Districts									
	SF	RM	O	CN	CC	CG	DD	M	RF	IR
Driveway restrictions			✓	✓	✓ [†]		✓	✓		
Location of parking	✓	✓	✓	✓	✓	✓	E		✓	✓
District boundary buffering		✓	✓	✓	✓	✓	✓	✓	E	E
Building placement				✓	✓		E			
Ground floor transparency				✓	✓		E			

[†] In pedestrian areas only.

Regulations Applying in All or Several Districts

The Draft Code groups together additional development regulations that apply to certain land use activities that occur in all or some districts. The current provisions for off-street parking and loading and signs are carried forward into the Draft Code, but the use of tables makes it easier to see how they apply to individual zoning districts. There are new standards for buffer yards to separate adjacent incompatible districts and uses. The standards provide a flexible buffer yard system based on the need for visual screening. With the table provided, buffer yards can be made to fit specific needs and sites. Further standards for landscaping specific to parking lots can be found in the parking chapter.

Administrative Provisions

The proposed Zoning Code includes streamlined administration and enforcement provisions and updated regulations for nonconforming uses and structures. Provisions that describe permit application and review processes have been consolidated to the extent possible within the Administration Part of the Code. The authority of the various zoning decision-making bodies and officials has been defined to avoid any misunderstanding about the scope of responsibilities.

Administrative Relief

Administrative relief is provided by allowing for appeals, variances and special exceptions. This last option is new. Special exceptions are waivers or modifications to the performance standards of this Code that can only be approved after careful review of factors such as a project's location, design, configuration, and relation to adjacent uses to determine the desirability of authorizing the exception on any given site. Special exceptions may or may not be appropriate in a particular location depending on the impacts on adjacent uses and how adverse impacts may be minimized through building design, building siting, location of driveway and parking, and screening.

Using the New Code

The new Code is designed to make it easy to know what regulations apply to a specific site or to a specific use. An electronic version also will be available with "search" functions. In the near future, the electronic Code also can be linked to the City's Zoning Map.

Next Steps

The Draft Code will be the subject of community meetings and then advertised public hearings before the City Planning Commission and the City Council. The City Council will act on the Draft Code after receiving a recommendation from the City Planning Commission. After City Council accepts the text of the code, the process of mapping the various zone districts will begin.